THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 17549 of 2005

Dated: August 17, 2005

Between:

M.S. Chinna Krishna Swamy.

…Petitioner

and

State Transport Appellate Tribunal, Hyderabad

And another.

…Respondents

* * *

O R D E R:

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This Writ Petition is filed by the petitioner seeking a direction to the 1st respondent – State Transport Appellate Tribunal, Hyderabad to dispose of the Appeal i.e., A.P.No.150 of 2004 without any further delay, and consequently direct the 2nd respondent to permit the petitioner to operate the vehicle bearing No. TN.32/N.0387 under pucca stage carriage permit No.38/81 on the Town Service Route – Tirupati (Municipal Bus Stand) to K.L. Hospital (via) Municipal etc., notwithstanding with the expiry of the said permit as contemplated under Sec.214(2), read with Sec.81(5) of the Motor Vehicles Act,1988 (hereinafter referred to as 'the Act').

2. According to the petitioner, he was having a stage carriage permit, where he was running the bus. As the said permit was due to expire by 08.11.2001, he made an application for renewal of the said permit under Sec.81 of the Act for a further period of five years. During the pendency of the said application the said bus was stopped for want of repairs to the engine. As the repairs of the said bus will take some considerable time, the petitioner made an application on 05.11.2001 before the 2nd respondent seeking renewal of the permit requesting for providing the petitioner four months time for production of the valid records of the vehicle along with the tax etc., as contemplated under Rule 207 of the A.P.M.V. Rules, 1989 (hereinafter referred to as 'the Rules'). But, however, the 2nd respondent passed orders granting 30 days time for production of documents in respect of the petitioner's bus i.e., ATC 1595, failing which the sanction will be revoked without further notice. Therefore, the petitioner filed W.P.No.25955 of 2001 questioning the said action of the 2nd respondent. This Court disposed the said Writ Petition extending the time for a period of four months, at the admission stage itself. As the petitioner fell sick, he could not comply with the directions. Further, as the existing vehicle became un-road worth, the petitioner scrapped the same and purchased another vehicle – T.N.32/N.0387 of 1991 Model, and then made an application to the 2nd respondent seeking renewal of the permit. As the said application was rejected by the 2nd respondent, the petitioner preferred an appeal and sought for an interim direction. But, however, as the Tribunal expressed the disposal of the main appeal itself, the petitioner did not press for interim order. But, however, the appeal was not disposed of by the Tribunal, as expressed. Hence, the petitioner has come up with the present Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Transport and considered the material on record.

4. In view of the above stated facts and circumstances with reference to the urgency of the matter, the Writ Petition is disposed of directing the Tribunal to dispose of the appeal of the petitioner expeditiously, as the matter is said to have been fixed for

hearing on 22.08.2005, preferably by completing the hearing on that day itself.

5. The Writ Petition is disposed of accordingly. No costs.

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S.Ananda Reddy, J.

17…08…2005

Note:

Issue CC in two

Days. (bo)

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